



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV - 9 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5970 5698

Mayor Lorenzo T. Langford
City of Atlantic City
1301 Bacharach Boulevard, Room 706
Atlantic City, New Jersey 08401

Re: **Administrative Order CWA-02-2012-3003**
City of Atlantic City Municipal Separate Storm Sewer System
NJPDES Permit No. NJG0153168

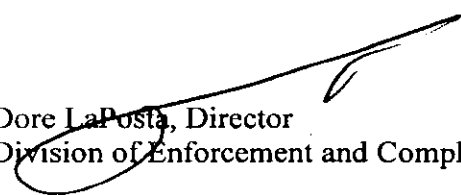
Dear Mayor Langford:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that the above-named municipality, City of Atlantic City ("Atlantic City" or "City"), is in violation of the Clean Water Act (33 U.S.C. § 1251 *et seq*) ("CWA" or "Act") for New Jersey Pollutant Discharge Elimination System ("NJPDES") violations as described in the findings of this ORDER. Enclosed are two (2) originals of this ORDER, issued pursuant to Sections 309 and 308 of the Act, which detail the findings.

Please acknowledge receipt of this ORDER on one of the originals and return it by mail in the enclosed envelope. Failure to comply with the enclosed ORDER may subject the facility to civil/criminal penalties pursuant to Section 309 of the Act. Failure to comply with this ORDER shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

If you have any questions regarding this ORDER, please contact Ms. Christy Arvizu, Water Compliance Branch, at (212) 637-3961 or via e-mail at arvizu.christy@epa.gov.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Marcedius T. Jameson, NJDEP

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

City of Atlantic City
1301 Bacharach Boulevard
Atlantic City, NJ 08401

NJPDES Permit No. NJG0153168

Proceeding pursuant to Sections 308(a) and
309(a)(3) of the Clean Water Act, 33 U.S.C.
§§1318(a) and 1319(a)(3)

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2012-3003

The following Findings of Violation are made, and Order for Compliance ("Order") issued, pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. §§1318(a) and 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.

A. Legal Authority

1. Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a), prohibits the discharge of pollutants from a point source into waters of the United States, except in compliance with, *inter alia*, Section 402 of the CWA 33 U.S.C. §1342.
2. Section 402 of the CWA, 33 U.S.C. §1342, provides that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to that Section.
3. Section 402 of the CWA, 33 U.S.C. §1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New Jersey Department of Environmental Protection ("NJDEP") is the agency with the authority to administer the federal NPDES program in New Jersey pursuant to Section 402 of the CWA, 33 U.S.C. §1342. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA. Additionally, under the authority granted to the NJDEP by the EPA under Section 402(b) of the CWA, 33 U.S.C. §1342(b), a New Jersey Pollutant Discharge Elimination System ("NJPDES") permit is required to be issued to facilities by the NJDEP for the discharge of pollutants from said facilities from a point source to a navigable water of the United States.

4. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. §1362(5) to include an individual, corporation, partnership, association or municipality.
5. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. §1362(6) to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water.
6. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. §1362(14) to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
7. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. §1362(7) to include the waters of the United States.
8. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. §1362(12) to include any addition of any pollutant to navigable waters from any point source.
9. Section 402(p) of the CWA, 33 U.S.C. §1342(p) sets forth the requirements for the discharge of stormwater, including discharges of stormwater from Municipal Separate Storm Sewer Systems ("MS4s").
10. 40 C.F.R. §122.26(b)(8), defines an MS4 as a "conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by State law).....that discharges into waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works..."
11. 40 C.F.R. §122.26(b)(3) defines "incorporated place," in part, as a city, town, township, or village that is incorporated under the laws of the State in which it is located.
12. 40 C.F.R. §122.26(b)(16)(ii) defines "small municipal separate storm sewer system," in part, as not defined as "large" or "medium" MS4s.
13. Pursuant to 40 C.F.R. §122.32(a)(1), all small MS4s located in an "urbanized area" (as determined by the latest Decennial Census by the Bureau of Census) are regulated small MS4s.
14. 40 C.F.R. §§122.33(a) and (b) require operators of regulated small MS4s to seek authorization to discharge under the applicable NPDES general permit issued by the permitting authority, by submitting a Notice of Intent ("NOI") for coverage under such permit.
15. NJDEP issued a NJPDES Tier A Municipal Stormwater General Permit (NJ0141852) on April 4, 2004. The Tier A Municipal Stormwater General Permit ("Permit") was modified on September 1, 2005 and expired February 28, 2009. The Permit was renewed on March 1, 2009, and will expire on February 28, 2014.

B. Factual Background

1. The City of Atlantic City ("Atlantic City" or "City") is a municipal corporation chartered under the laws of the State of New Jersey, and as such, Respondent is a "person," as defined in Section 502(5) of the CWA, 33 U.S.C. §1362(5), and 40 C.F.R. §122.2, and is an "incorporated place" as defined in 40 C.F.R. §122.26(b)(3).
2. Atlantic City owns/operates the Municipal Separate Storm Sewer, located in the City of Atlantic City, Atlantic County, New Jersey and is an "owner or operator" within the meaning of 40 C.F.R. §122.2.
3. The MS4 in Atlantic City is a small MS4 located in a urbanized area within the meaning of 40 C.F.R. §122.26(b)(16)(ii) and 40 C.F.R. §122.32(a)(1).
4. An MS4 is a point source within the meaning of Section 502(14) of the CWA, 33 U.S.C. §1362(14).
5. Atlantic City's MS4 discharges stormwater, a pollutant within the meaning of Section 502(6) of the CWA, 33 U.S.C. §1362(6), to the Atlantic Ocean to the east, Absecon Bay and Absecon Inlet to the north, and Inside Thorofare, Beach Thorofare, and Great Thorofare to the west, waters of the United States within the meaning of 502 of the CWA, 33 U.S.C. §1362, and 40 C.F.R. §122.2, and as such, discharges pollutants within the meaning of Section 502(12) of the CWA, 33 U.S.C. §1362(12).
6. The City submitted a Notice of Intent under the Tier A Municipal Stormwater General Permit (NJ0141852) on March 2, 2004. Permit coverage was granted with an effective date of permit authorization ("EDPA") of April 1, 2004 (Permit No. NJG0153168). Upon expiration of the first Tier A General Permit issued on April 1, 2004, permit coverage was automatically carried over to the reissued, and current, NJPDES General Permit, which became effective on March 1, 2009 and will expire on February 28, 2014.
7. EPA, accompanied by NJDEP, conducted a compliance audit of the City's MS4 on June 14 – 16, 2011.
8. NJPDES Tier A Municipal Stormwater General Permit (NJ0141852), effective on March 1, 2009, was the effective permit at the time of the audit.

C. Findings of Violation

As described in greater detail in the enclosed audit report, during the audit on June 14 – 16, 2011, EPA inspectors observed the following violations of Atlantic City's NJPDES permit (NJG0153168):

1. Part I.E.2.a and Part I.H.1.a of the Permit requires Stormwater Pollution Prevention Plans ("SPPP") to be revised on or before June 1, 2009. Specifically, Part I.H.1.a states that the SPPP shall include, at a minimum, all of the information and items identified in Attachment A. EPA inspectors observed that the City failed to revise its SPPP to include the information and items specified in Attachment A. This includes, but is not limited to, updating the SPPP to identify and

discuss each Statewide Basic Requirement and Best Management Practice required by the Permit. In addition, for each Statewide Basic Requirement, the SPPP shall:

- a. Describe the method of implementation;
- b. Include detailed record keeping, as appropriate or as required;
- c. Include an implementation schedule consistent with permit requirements, including interim milestones;
- d. Include any special diagrams required by the permit (i.e., Storm Drain Inlet Labeling and Illicit Connection Elimination and MS4 Outfall Pipe Mapping);
- e. Sharing responsibilities (if the Tier A Municipality wants to share responsibilities for implementing one or more control measures) with one or more entities pursuant to N.J.A.C. 7:14A-25.7(a), the SPPP must describe which measure(s) the Tier A Municipality will implement, and identify the entity(ies) that will implement the other measure(s);
- f. Include maintenance schedules, as appropriate; and
- g. Include inspection schedules, as appropriate.

Therefore, Atlantic City failed to revise its SPPP, in violation of Part I.E.2.a and Part I.H.1.a of the Permit.

2. Part I.E.2.c of the Permit requires ensuring that awarded contracts to private contractors have conditions that the contractor must conduct such projects or activities in a manner that is in compliance with the City's SPPP and the Permit's conditions. EPA inspectors observed that the City contracts out maintenance of the City Yard to First Vehicle Services but has not included stormwater provisions in the contract with First Vehicle Services. Therefore, Atlantic City failed to ensure that City awarded contracts contained conditions that the contractor must conduct such projects or activities in a manner that is in compliance with the City's SPPP and the Permit conditions, in violation of Part I.E.2.c of the Permit.
3. Part I.F.2.a of the Permit requires the City to comply with applicable State and local public notice requirements. EPA inspectors observed that the City did not provide public notice documentation for ordinances that have been adopted in the City in accordance with N.J.S.A. 40:49-2, which states that ordinances must be published in their entirety or by title or by title and summary at least once in a newspaper published and circulated in the municipality, or in a newspaper printed in the county and circulating in the municipality. After passage of the ordinance, the ordinance, the title, or the title and summary must be published in a newspaper again. Therefore, Atlantic City failed to maintain documentation that public notice requirements were satisfied in accordance with applicable State and local public notice requirements, in violation of Part I.F.2.a of the Permit.
4. Part I.F.3 of the Permit requires the City to implement and enforce a post-construction stormwater control program by March 1, 2009. EPA inspectors observed that the City did not develop and is not implementing or enforcing a program to address stormwater runoff from new development and redevelopment projects that discharge into the City's MS4. This includes, but is not limited to, the failure to adopt and reexamine a municipal stormwater management plan in accordance with N.J.A.C. 7:8-4 and as required by Part I.F.3.i of the Permit, as well as the failure to implement a municipal stormwater control ordinance, as required by Part I.F.3.ii of the Permit. Therefore, Atlantic City failed to implement and enforce a post-construction stormwater control program, in violation of Part I.F.3.a.i-vii of the Permit.

5. Part 1.D.1.iii of the Permit requires the City to specify in its Annual Report if it is relying on other entities to satisfy some of the City's permit obligations. The City is still responsible for compliance with the permit if the other entity fails to implement the measure(s), or component(s) thereof. EPA inspectors observed that the City has indicated in its Annual Reports that it is not relying on another entity to satisfy any part of its permit requirements, including all requirements associated with the post-construction SBR, when in fact, the City stated during the audit that it is the responsibility of other entities, including the Casino Reinvestment and Development Authority ("CRDA") and the State of New Jersey through the Coastal Area Facility Review Act ("CAFRA"), to implement and enforce post construction stormwater controls throughout the City. However, no formal agreement between the City or the CRDA or the State of New Jersey exists. Therefore, Atlantic City failed to specify that they are relying on other entities to satisfy some of the City's permit obligations in violation of Part 1.D1.iii of the Permit.
6. Part I.F.4.a of the Permit requires the City to develop and implement a Local Public Education Program by March 1, 2009. EPA inspectors observed that the City has not developed a local public education program as required by the Permit, nor had the City conducted educational activities that total a minimum of ten points as described in Attachment E of the Permit. Therefore, Atlantic City failed to develop and implement its Local Public Education Program by March 1, 2009, in violation of Part I.F.4.a of the Permit.
7. Part I.F.4.b of the Permit requires the City to label all storm drain inlets along municipal streets with sidewalks, and all storm drain inlets within plazas, parking areas, or maintenance yards that are operated by the municipality within 60 months from the original EDPA (April 1, 2004). EPA inspectors observed that the City did not start labeling inlets until April 2011, two years after the deadline elapsed. According to the City's 2004 SPPP, labeling was to have been completed by April 2009. Therefore, Atlantic City failed to label all storm drain inlets as required by April 1, 2009, in violation of Part I.F.4.b of the Permit.
8. Part I.F.5.f of the Permit requires the City to adopt and enforce a Refuse Container/Dumpster Ordinance by September 1, 2010. While reviewing the City's 2010 Annual Report, the City stated that they adopted a Refuse Container/Dumpster Ordinance on March 23, 2005. The requirement to have a Refuse Container/Dumpster Ordinance was not part of the Permit until the Permit was renewed on March 1, 2009. EPA inspectors reviewed the City's ordinances and did not observe a "Refuse Container/Dumpster Ordinance" as required by the Permit. Therefore, Atlantic City failed to adopt and enforce a "Refuse Container/Dumpster Ordinance" as required by September 1, 2010, in violation of Part I.F.5.f of the Permit.
9. Part I.F.5.h of the Permit requires the City to adopt and enforce a Private Storm Drain Retrofitting Ordinance by September 1, 2010. During the audit, City staff informed EPA inspectors that the City did not have a "Private Storm Drain Retrofitting Ordinance" as required by the Permit. Therefore, Atlantic City failed to adopt and enforce a "Private Storm Drain Retrofitting Ordinance" as required by September 1, 2010, in violation of Part I.F.5.h of the Permit.
10. Part I.F.6.a of the Permit requires the City to complete and maintain an outfall pipe map showing the location of the end of all MS4 outfall pipes owned and operated by the city. EPA inspectors observed that the City conducted mapping of its system during the early 1990's as part of the Sewage Infrastructure Improvement Act, but the City failed to create a new map or verify that

the map from the Sewage Infrastructure Improvement Act was still accurate. In addition, the City failed to develop and implement a program to detect and eliminate illicit connections, as EPA observed dry weather flow from an unidentified outfall at the Sgt. Bobby Rowan Memorial Ramp on June 16, 2011. Therefore, Atlantic City failed to complete and maintain an up-to-date outfall pipe map and develop and implement a program to detect and eliminate illicit connections, in violation of Part I.F.6.c of the Permit.

11. Part I.F.6.a of the Permit requires the City to complete an initial physical inspection of all outfall pipes. EPA inspectors observed that there were no records available for initial inspections of outfall pipes. In addition, EPA inspectors did not observe records of inspections of all 103 outfalls, which the City stated take place annually. Therefore, Atlantic City failed to maintain documentation of the required initial physical inspection of all outfall pipes, in violation of Part I.F.6.a of the Permit.
12. Part I.F.7.c of the Permit requires the City to implement a stormwater facility maintenance program for cleaning and maintenance of all municipally owned and operated stormwater facilities. EPA inspectors observed that the City failed to implement, or develop, a stormwater facility maintenance program that meets the requirements, including but not limited to providing documentation that stormwater facilities are inspected and maintained properly. The Permit states if stormwater facilities were found to not be functioning properly and repairs were not made, a schedule for repairs shall be included in the Annual Report. EPA inspectors did not observe copies of repair schedules where it was noted that repairs were not made. In addition, the City is required to maintain records, including the date of inspection, maintenance, and description of repairs performed. This information is required to be submitted to NJDEP each year with the Annual Report but has not been submitted, according to EPA's review of the City's Annual Reports for 2006 – 2010. Therefore, Atlantic City failed to develop or implement a stormwater facility maintenance program, in violation of Part I.F.7.c of the Permit.
13. Part I.F.7.d of the Permit requires the City to maintain records, including the number of municipally owned and operated catch basins within the municipality, the number of catch basins cleaned, and the amount of materials collected during catch basin cleaning activities. EPA inspectors observed that the City does not maintain records of actual catch basin cleanings or keep track of what was removed from the catch basins, as catch basin debris is commingled with street sweeping debris. Therefore, Atlantic City failed to maintain records of catch basin cleaning, in violation of Part I.F.7.d of the Permit.
14. Part I.F.7.e of the Permit requires the City to maintain a stormwater outfall pipe scouring detection, remediation and maintenance program to detect and control localized stream and stream bank scouring in the vicinity of outfall pipes operated by the municipality. During the audit, City staff informed EPA inspectors that the City did not have a program as all outfalls discharged directly to a body of water and all outfalls were either "T'd" or duckbilled. However, based on information provided to EPA by NJDEP, there are at least seven outfalls that do not directly discharge to a body of water and as such, the City should be maintaining a stormwater outfall pipe scouring program. Therefore, Atlantic City failed to develop and maintain a stormwater outfall pipe program, in violation of Part I.F.7.e of the Permit.
15. Part I.F.8.a of the Permit requires the City to perform regular maintenance and inspections of the salt storage structure and the surrounding area. EPA inspectors observed that the City contracts

out maintenance of the City Yard where the salt storage is located to a private contractor, First Vehicle Services. The City has not done inspections of the salt storage or provided records of inspections completed by its private contractor. Therefore, Atlantic City failed to provide evidence of regular maintenance and inspections of the salt storage, in violation of Part I.F.8.a of the Permit.

16. Part I.F.8.b of the Permit requires the City to manage equipment and vehicle washing so that there are no unpermitted discharges of wash wastewater to the surface or ground waters of the State and maintain records of where and when equipment and vehicle washing occurred. EPA inspectors observed that the City has a designated wash rack area but did not operate or maintain it properly, as breaks in the berm around the wash rack area and runoff from the wash rack area flowing toward a catch basin were observed. At the time of the audit, City staff stated that a truck had been washed outside of the wash area but no soap had been used despite the fact that there is a large sign posted on the wash rack stating all equipment and vehicles should be kept inside the wash area. Therefore, Atlantic City failed to manage equipment and vehicle washing, in violation of Part I.F.8.b of the Permit.
17. Part I.F.8.c of the Permit requires the City to develop Standard Operating Procedures ("SOPs") for vehicle fueling and receiving of bulk fuel deliveries, vehicle maintenance and repair activities, and good housekeeping practices for all materials or machinery listed in the Inventory Requirements for Municipal Maintenance Yards. EPA inspectors observed that the City does not have SOPs in place for vehicle fueling and receiving of bulk fuel deliveries, vehicle maintenance and repair activities, and good housekeeping practices for all materials or machinery listed in the Inventory Requirements for Municipal Maintenance Yards. In addition, EPA's review of the City's Annual Reports for 2006-2010 showed that the City certified in its Annual Reports for 2006, 2007, 2008 and 2009 that SOPs were in place when, in fact, they were not. Therefore, Atlantic City failed to develop SOPs for vehicle fueling and receiving of bulk fuel deliveries, vehicle maintenance and repair activities, and good housekeeping practices for all materials or machinery listed in the Inventory Requirements for Municipal Maintenance Yards, in violation of Part I.F.8.c of the Permit.
18. Part A.1 of Attachment D of the Permit requires the City to develop an inventory of Municipal Maintenance Yard Operations (including Ancillary Operations). EPA inspectors observed that the City or its private contractor did not develop an inventory of Maintenance Yard Operations (including Ancillary Operations). Therefore, Atlantic City failed to develop an inventory of Municipal Maintenance Yard Operations (including Ancillary Operations), in violation of Part A.1 of Attachment D.
19. Part D.1 of Attachment D of the Permit requires the City to properly mark or label all containers, ensure that containers are kept in good condition, and provide proper outdoor storage. EPA inspectors observed outdoor storage of containers that were not covered throughout the City Yard, some in poor condition, and most were not labeled. Therefore, Atlantic City failed to properly mark or label all containers, ensure containers are kept in good conditions and failed to provide proper outdoor storage, in violation of Part D.1 of Attachment D.
20. Part D.2 of Attachment D of the Permit requires the City to properly clean up spills of liquids or dry materials immediately after discovery. EPA inspectors observed standing oil in the center of the maintenance garage immediately adjacent to and entering a trench drain and informed City

staff. A used oil receptacle was located next to the trench drain. Therefore, Atlantic City failed to properly clean up spills of liquids immediately after discovery, in violation of Part D.2 of Attachment D.

21. Part F.1 of Attachment D of the Permit requires regular inspections of all municipal maintenance yard operations. EPA inspectors observed that the City was uncertain if inspections were done, as maintenance yard operations are contracted out to a private entity. Therefore, Atlantic City failed to ensure that regular inspections of all municipal maintenance yard operations are done, whether by City staff or by contract staff, in violation of Part F.1 of Attachment D.
22. Part I.F.9 of the Permit requires the City to conduct annual employee training program by March 1, 2009. EPA inspectors observed that the City has only provided training on May 11, 2011 based on review of training records. City staff was unaware of trainings offered in previous years; however, EPA review of the City's Annual Reports for 2009 and 2008 indicated that training was provided to employees on July 17, 2009 and May 2008, respectively. However, the City was unable to provide records for the July 17, 2009 and May 2008 training events. Therefore, Atlantic City failed to conduct annual employee training and provide records of annual training, in violation of Part I.F.9 of the Permit.
23. Part I.H.3.b of the Permit requires the City to submit Annual Reports to NJDEP in a timely manner by May 2 on an annual basis. EPA inspectors observed that five of the past five Annual Reports were not submitted to NJDEP by the May 2 deadline each year as indicated in the table below:

Annual Report Year	Period Covered	Date Report is Due	Date Report Received by NJDEP	Days Late
2006	January 1, 2006 to December 31, 2006	May 2, 2007	July 13, 2007	72
2007	January 1, 2007 to December 31, 2007	May 2, 2008	June 11, 2008	40
2008	January 1, 2008 to December 31, 2008	May 2, 2009	July 27, 2010	451
2009	January 1, 2009 to December 31, 2009	May 2, 2010	June 29, 2010	58
2010	January 1, 2010 to December 31, 2010	May 2, 2011	August 4, 2011	94

Therefore, Atlantic City failed to submit Annual Reports in a timely manner by May 2 on an annual basis to NJDEP, in violation of Part I.H.3.b of the Permit.

D. Ordered Provisions

Based on the Findings of Violation set forth above, and pursuant to Sections 308(a) and 309(a)(3) of the CWA, 33 U.S.C. §§1318(a) and 1319(a)(3), Respondent is hereby ORDERED to take the following actions:

1. Immediately upon receipt of the original copies of this Order, a responsible official of Atlantic City shall complete and sign the acknowledgment of receipt of one of the originals of the Order

and return said original to Chief, Water Compliance Branch, Division of Enforcement and Compliance Assistance, in the enclosed envelope, to the address listed below.

2. Atlantic City shall complete the following items in accordance with the schedule listed below:

<u>Item</u>	<u>Completion</u>
i. Immediately update, revise, and submit to EPA and NJDEP, the City's Stormwater Pollution Prevention Plan (SPPP) to reflect current staffing, program priorities, and new Statewide Basic Requirements, in accordance with Part I.E.2.a of the Permit.	Within forty-five (45) days of the effective date of this Order.
ii. Update awarded contracts with private contractors to ensure contracts have conditions stating that the contractor must conduct such projects or activities in such a manner that is in compliance with the City's SPPP and the Permit's conditions, in accordance with Part I.E.2.c of the Permit.	By July 1, 2012, with monthly updates by the first of each month if not completed by deadline due to contract negotiations.
iii. Develop and submit to EPA and NJDEP, a post-construction stormwater control program, including coordination with outside entities, in accordance with Part I.F.3 and Part I.D.1 of the Permit. Program shall be implemented and enforced upon EPA approval.	December 31, 2011
iv. Develop and implement a Local Public Education Program that meets the requirements of Part I.F.4.a of the Permit.	Within thirty (30) days of the effective date of this Order.
v. Submit to EPA and NJDEP a list of educational activities conducted in 2011, along with an explanation for the City's plan to conduct activities that total a minimum of ten points for 2011, as described in Attachment E of the Permit.	Within fourteen (14) days of the effective date of this Order.
vi. Submit to EPA and NJDEP the City's plan to label all storm drain inlets.	Within thirty (30) days of the effective date of this Order.
vii. Complete labeling of all storm drain inlets along municipal streets with sidewalks, and all storm drain inlets within plazas, parking areas, or maintenance yards that are operated by the municipality, as required by Part I.F.4.b of the Permit.	June 1, 2012
viii. Adopt and enforce a Refuse Container/Dumpster ordinance, as required by Part I.F.5.f of the Permit, and in accordance with Public Notice Requirements, as described in Part I.F.2.a of the Permit.	June 1, 2012
ix. Adopt and enforce a Private Storm Drain Retrofitting Ordinance, as required by Part I.F.5.h of the Permit, and in accordance with Public Notice Requirements, as described in Part I.F.2.a of the Permit.	June 1, 2012
x. Update and complete the City's outfall pipe map	April 15, 2012

showing the location of the end of all MS4 outfall pipes owned and operated by Atlantic City, as required by Part I.F.6.a of the Permit.	
xi. Conduct a physical inspection of all outfall pipes owned and operated by the City, as required by Part I.F.6.a of the Permit. The City shall submit copies of outfall inspection reports to EPA and NJDEP.	April 15, 2012
xii. Develop and submit to EPA and NJDEP, a program to detect and eliminate illicit connections to the City's MS4, in accordance with Part I.F.6.c of the Permit. Program shall be implemented upon EPA approval.	December 31, 2011
xiii. Develop and implement a stormwater facility maintenance program for the cleaning and maintenance of all municipally owned and operated stormwater facilities, such as catch basins, as required by Part I.F.7.c of the Permit.	December 31, 2011
xiv. Develop and submit to EPA and NJDEP, a plan to accurately inventory the number of catch basins in the City and accurately track catch basin cleanings and actual amount removed from catch basins, as required by Part I.F.7.d of the Permit.	December 31, 2011
xv. Develop and submit to EPA and NJDEP, a stormwater outfall pipe scouring detection, remediation and maintenance program to detect and control localized stream and stream bank scouring in the vicinity of outfall pipes operated by the municipality, in accordance with Part I.F.7.e of the Permit. Program shall be implemented upon EPA approval.	April 15, 2012
xvi. Develop and submit to EPA and NJDEP, a plan to conduct regular maintenance and inspections of the salt storage structure and the surrounding area, as required by Part I.F.8.a of the Permit. The plan should include identification of personnel qualified to do the inspection and required documentation for each inspection. Plan shall be implemented upon EPA approval.	Within thirty (30) days of the effective date of this Order.
xvii. Develop and submit to EPA and NJDEP, a plan to control vehicle wash wastewater on-site to ensure there are no unpermitted discharges of wash wastewater to the surface or ground waters of the State, and maintaining records of where and when equipment and vehicle washing occurred, as required by Part I.F.8.b of the Permit. The plan should include training employees to use the designated wash rack area, how records will be maintained, and who will be responsible for maintaining records. Plan shall be implemented upon EPA approval.	Within thirty (30) days of the effective date of this Order.

<p>xviii. As required by Part I.F.8.c, develop and submit, to EPA and NJDEP, Standard Operating Procedures (SOPs) for:</p> <ul style="list-style-type: none"> a. Vehicle fueling and receiving of bulk fuel deliveries; b. Vehicle maintenance and repair activities; and c. Good housekeeping practices for all materials or machinery listed in the Inventory Requirements for Municipal Maintenance Yards. 	December 31, 2011
<p>xix. Develop an inventory of Municipal Maintenance Yard Operations (including Ancillary Operations), as required by Part A.1 of Attachment D of the Permit.</p>	December 31, 2011
<p>xx. Properly mark or label all containers, ensure that containers are kept in good condition, and provide proper outdoor storage, where necessary, as required by Part D.1 of Attachment D of the Permit. The City must submit to EPA and NJDEP a description of what steps were taken to address unlabeled or unmarked drums or containers, and drums or containers in poor condition that were observed in the City Yard during the audit on June 14 – 16, 2011. Develop and submit, to EPA and NJDEP, a plan to provide outdoor storage for drums and containers.</p>	December 31, 2011
<p>xxi. Develop and implement a spill clean-up procedure for the maintenance garage as required by Part D.2 of Attachment D of the Permit.</p>	Within thirty (30) days of the effective date of this Order.
<p>xxii. Develop and submit to EPA and NJDEP, a plan to conduct regular inspections of all municipal maintenance yard operations as required by Part F.1 of Attachment D of the Permit. The plan should include identification of personnel qualified to do the inspection and required documentation for each inspection. Plan shall be implemented upon EPA approval.</p>	Within thirty (30) days of the effective date of this Order.
<p>xxiii. Develop and submit to EPA and NJDEP, an employee training program that ensures employee training is regularly scheduled and documented, as required by Part I.F.9 of the Permit. Program shall be implemented upon EPA approval.</p>	Within thirty (30) days of the effective date of this Order.
<p>xxiv. Submit annual reports so that they are received by NJDEP by May 2 of each reporting year, as required by Part I.H.3.b of the Permit.</p>	Annually, starting May 2, 2012
<p>xxv. Submit a written response to EPA and NJDEP regarding each of the listed areas of concern and</p>	December 31, 2011

recommendations in the enclosed Audit Report.	
xxvi. Submit quarterly progress reports to EPA and NJDEP outlining all activities undertaken and costs associated with compliance with this Order.	Quarterly, starting December 31, 2011

3. Any document submitted by Atlantic City as part of this Order shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 CFR § 122.22), and shall include the following certification:

"I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

4. All submissions required by this Order shall be sent to:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, NY 10007

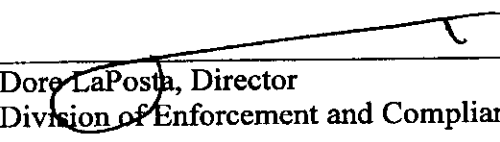
Marcedius T. Jameson, Administrator
Water and Land Use Enforcement
New Jersey Department of Environmental Protection
Mail Code 401-04F
401 East State Street
P.O. Box 420
Trenton, NJ 08625-0420

E. General Provisions

1. This Order does not constitute a waiver from compliance with or a modification of the effective terms and conditions of the Act, its implementing regulations, and the MS4 General Permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the Act. Issuance of an Administrative Order shall not be deemed an election by EPA to forgo any civil or criminal actions that would seek penalties, fines or other appropriate relief under the Act.
2. Notice is hereby given that violation of, or failure to comply with, any of the provisions of the foregoing Order may subject Atlantic City to: (1) civil penalties up to \$37,500 per day for each violation, pursuant to Section 309(d) of the Act, 33 U.S.C. §1319(d); or (2) civil action in federal court for injunctive relief, pursuant to Section 309(b) of the Act, 33 U.S.C. §1319(b).

3. Nothing in this Order shall limit the EPA's right to obtain access to, and/or inspect Respondent's facility, and/or request additional information from Respondent, pursuant to Section 308 of the CWA, 33 U.S.C. §1318.
4. The EPA may subsequently amend this Order in accordance with the CWA. For example, the EPA may amend this Order to address any non-compliance with the CWA, including but not limited to any non-compliance with the requirements of Section 402 of the CWA. In the event of any such subsequent amendment to this Order, all requirements for performance of this Order not affected by the amendment will remain in full force and effect.
5. If any provision or authority of this Order or the application of this Order to Respondent is held by federal judicial authority to be invalid, the application to Respondent of the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.
6. The terms of this Order shall be effective and enforceable against the City of Atlantic City upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

NOVEMBER 9, 2011
Date


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

City of Atlantic City
1301 Bacharach Boulevard
Atlantic City, NJ 08401

Respondent

Proceeding pursuant to §309(a) of the Clean Water
Act, 33 U.S.C. §1319(a)

ADMINISTRATIVE ORDER

CWA-02-2012-3003

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an official with the City of Atlantic City with the title of,

_____, do hereby acknowledge the receipt of copy of the

ADMINISTRATIVE ORDER, City of Atlantic City, CWA-02-2012-3003.

DATE: _____

SIGNED: _____